

RESPONSE under 37 C.F.R. § 1.111
U.S. Appln. No. 10/719,537

REMARKS

Claims 1-22 are pending in the application and stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

CLAIM REJECTIONS.

Claims 1, 6, 12 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 1,651,804 to Bosch¹ (hereinafter "Bosch").

Claims 16 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Design Patent 402,104 to Kauker et al. (hereinafter "Kauker")

Claims 2-5, 7-11, 13, 15 and 18-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over some combination of Bosch or Kauker as primary references in view of secondary references as follows: (i) Bosch in view of U.S. Patent 5,481,506 to Kita (hereinafter "Kita '506"); (ii) Bosch in view of U.S. Patent 6,234668 to Cooper; (iii) Bosch in view of U.S. Patent 6,751,164 to Sekiguchi; (iv) Bosch in view of U.S. Patent 6,765,846 to Saitou et al. (hereinafter "Saitou"); (v) Kauker in view of Kita '506; (vi) Kauker in view of US Patent 6,619835 to Kita (hereinafter "Kita '835"); (vii) Kauker in view of Saitou; (viii) Kauker in view of US Patent 6,359,837 to Tsukamoto; or (ix) Kauker in view of US Patent 4,158,285 to Heinzen et al.

Applicant respectfully traverses these rejections for the reasons that follow.

¹ Referred to as Freidrich in the 3-21-05 Office Action

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Rejections based on Bosch

The Office Action alleges Bosch teaches all the limitation of independent claims 1 and 6 including an *attachment section (pivotally) coupled to the casing*. In support, the Office Action cites Bosch element (c) as being analogous to Applicant's claimed attachment section. Applicant respectfully notes that Bosch element (c) is part of the clock casing (already cited as being analogous to Applicant's claimed casing) as opposed to being an "attachment section." (Col. 1, ll. 34-40). Further, even if Bosch smaller outer casing (c) could be considered "an attachment section," it does not attach to an object of interest as claimed in Applicant's claims 1 and 6. The Office Action cites the Bosch casing a third time (catch element h) as being an object of interest. However, Bosch makes clear that catch element h secures the clock (already cited as being analogous to Applicant's display device or electronic device) when the clock is inserted into the casing. (Col. 2, ll. 62-64).

Respectfully, Applicant submits the present interpretation given to Applicant's claims is inconsistent and unreasonable with what one of ordinary skill in the art would understand of Applicant's claims in light of Applicant's specification. (See MPEP 2111 citing *In re Prater*, 415 F.2d 1393 (CCPA 1969).

Since Bosch fails to teach or suggest at least the attachment section configured to be attachable to an object of interest as recited in Applicant's independent claims 1 and 6, Bosch cannot anticipate claims 1 and 6 (or 12 and 14 which include the limitations of claims 1 and 6).

Further, since all §103 rejections based on Bosch, rely on Bosch to disclose these features, and the secondary references also fail to teach or suggest an attachment section configured to be attachable to an object of interest, *prima facie* obviousness is not established. MPEP 2143. In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw all 102 and 103 rejections based on Bosch.

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Rejections based on Kauker

The Office Action alleges Kauker discloses all the features of Applicant's independent claim 16 including a clip configured to be pivoted to form a stand for the apparatus. In support of this position, the Examiner "notes" that the clip can bend at the fabric.

Applicant respectfully submits that while the connecting portion between the Kauker clip and the watch casing may possibly "bend at the fabric" as alleged by the Examiner, it is also just as possible that connecting portion is not a fabric at all is in fact a semi-rigid material which may not be bendable to any reasonable extent. Since, in fact, Kauker does not show any bending or flexing in any of the seven figures, or mention the material which is used for connecting the clip to the casing, it is respectfully submitted that the "note" by the Examiner is based entirely on speculation as opposed to any teaching or suggestion by Kauker.

Further, even if the Kauker material is not flexible, the casing could still be laid on top of the clip portion by virtue of the pivot mechanisms. However, merely laying the Kauker casing on top of the clip portion would not appear to generate any better viewing angle or support than laying the device on a flat surface. While it may be speculation on behalf of the Examiner as to if or how the Kauker device could potentially be manipulated by a user, it cannot be said that Kauker actually teaches or suggests a clip configured to be pivoted to form a stand for the apparatus as specifically claimed by Applicant. Because Kauker fails to teach or suggest at least this limitation, Applicant submits Kauker does not anticipate Applicant's independent claim 16 or any claim which depends there from (claim 17).

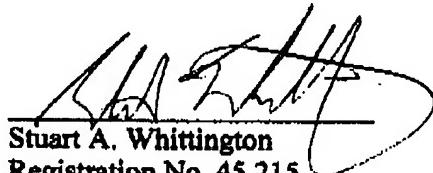
Since all the §103 rejections based on Kauker rely on Kauker to teach the foregoing features, and in fact neither Kauker nor any of the cited secondary references teaches or suggests "a clip configured to be pivoted to form a stand for the apparatus," *prima facie* obviousness is not established. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of all 102 and 103 rejections based on Kauker.

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CONCLUSION.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case.

Respectfully submitted,



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Date: July 21, 2004